

Filed by: Jameson Lee  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed  
March 10, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

KENTARO **MORI**, TAKAHIDE TANAKA,  
AKIRA NAKAGAWA and IWAO KOJIMA

Junior Party  
(Patent 6,547,741),

v.

DIRK **FREUND**, FRED SCHNAK,  
MARTIN GIERSEIPEN, FRANK KRESSMANN  
and BRIGITTE HARTTMANN

Senior Party  
(Application 09/582,471).

---

Patent Interference No. 105,287

---

**DECLARATION**

Before Jameson Lee, Administrative Patent Judge.<sup>1</sup>

**Part A. Declaration of interference**

---

<sup>1</sup>As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

**Part B. Judge managing the interference**

Administrative Patent Judge Jameson Lee has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **10:00 a.m. on May 5, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

## **Part E. Identification and order of the parties**

### Junior Party

Named inventors: Kentaro Mori, Japan  
Takahide Tanaka, Japan  
Akira Nakagawa, Japan  
Iwao Kojima, Japan

Patent: 6,547,741, issued April 15, 2003,  
based on Application 09/977,383,  
Filed October 16, 2001

Title: Wrist sphygmomanometer

Assignee: Omron Corporation

Accorded Benefit: Application 09/582,985, filed July 10, 2000,  
now U.S. Patent 6,379,310

PCT application PCT/JP99/00082,  
Filed January 13, 1999

### Senior Party

Named Inventors: Dirk Freund, Germany  
Fred Schank, Germany  
Martin Giersiepen, Germany  
Frank Kressmann, Germany  
Brigitte Hartmann, Germany

Application: 09/582,471, filed August 15, 2000

Title: Method and Measuring Device for  
Determining Blood Pressure

Assignee: Braun GmbH

Accorded Benefit: PCT application PCT/EP98/08429,  
Filed December 23, 1998

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

**Part F. Count and claims of the parties**

Count 1

Claim 46 of Freund's Application 09/582,471

Or

Claim 4 of Mori's Patent 6,547,741

The claims of the parties are:

Mori:	1-8
Freund:	46

The claims of the parties which correspond to Count 1 are:

Mori:	4-6
Freund:	46

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Mori:	1-3, 7 and 8
Freund:	None

**Part G. Heading to be used on papers**

The heading in SO Form 1 must be used on all papers filed in this interference.  
See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Jameson Lee)

---

KENTARO **MORI**, TAKAHIDE TANAKA,  
AKIRA NAKAGAWA and IWAO KOJIMA

Junior Party  
(Patent 6,547,741),

v.

DIRK **FREUND**, FRED SCHNAK,  
MARTIN GIERSEIPEN, FRANK KRESSMANN  
and BRIGITTE HARTTMANN

Senior Party  
(Application 09/582,471).

---

Patent Interference No. 105,287

---

**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patent 6,547,741  
Copy of claims of 09/582,471

Revised September 2004

cc (via overnight delivery):

Attorney for Mori:

Barry E. Bretschneider  
MORRISON & FOERSTER LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, VA 22102

Tel: 703-760-7777

Attorney for Freund:

MORGAN LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue NW  
Washington, DC 20004

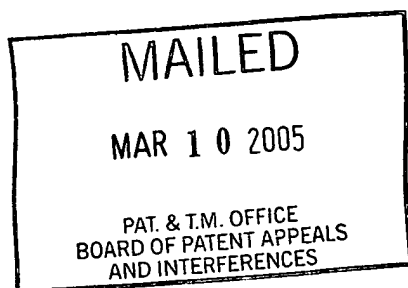
Tel: 202-739-3000



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Jameson Lee  
Telephone: (571) 272-9797  
Facsimile: (571) 273-0042



Applicants: Freund et al.  
Application No.: 09/582,471  
Filed: 08/15/00  
For: Method and measuring device for  
determining blood pressure

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,287.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature in cursive script, reading "Jameson Lee".  
Jameson Lee  
Administrative Patent Judge